

**PHILIP J. WEISER**  
Attorney General

**NATALIE HANLON LEH**  
Chief Deputy Attorney General

**ERIC R. OLSON**  
Solicitor General

**JUNE TAYLOR**  
Chief Operating Officer



**RALPH L. CARR**  
**COLORADO JUDICIAL CENTER**  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
Phone (720) 508-6000

**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

March 5, 2019

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Ex Parte* Communication of the Office of the Colorado Attorney General; In the Matter of La Plata County, Colorado, Petitions for Modification of the Satellite Television Markets of KDVR-TV, KCNC-TV, KMGH-TV and KUSA-TV, Denver, Colorado, MB Dockets No. MB 16-369; MB 16-368; MB 16-367; MB 16-366**

Dear Ms. Dortch:

On Tuesday, March 5, Colorado Attorney General Phil Weiser met with Ajit Pai, Chairman of the Federal Communications Commission, as well as Babette Boliek, Chief Economist of the Commission, and Zenji Nakazawa, Public Safety and Consumer Protection Advisor to Commissioner Pai, to discuss La Plata County's Petitions for the modification of satellite television markets in order to receive television from the Denver media market.<sup>1</sup> During that meeting, Attorney General Weiser presented, and now underscores, the following points.

First, Attorney General Weiser stated his Office's view that, on the merits, the Commission was correct in granting La Plata County the market modification it requested. *In the Matter of La Plata Cty., Colorado*, 32 F.C.C. Rcd. 1474 (2017).

Second, Attorney General Weiser noted that, under the terms of this Order,

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<sup>1</sup> Petition for Special Relief (KDVR) of La Plata County, Colorado, MB Docket 16-366 (filed Sept. 7, 2016) (KDVR Petition); Petition for Special Relief (KCNC) of La Plata County, Colorado, MB Docket 16-367 (filed Sept. 7, 2016) (KCNC Petition); Petition for Special Relief (KMGH) of La Plata County, Colorado, MB Docket 16-368 (filed Sept. 7, 2016) (KMGH Petition); and Petition for Special Relief (KUSA) of La Plata County, Colorado, MB Docket 16-369 (filed Sept. 7, 2016) (KUSA Petition) (collectively, the Petitions).

the Commission appeared to have unambiguously granted La Plata County the relief it requested in each of the Petitions at issue. *In the Matter of La Plata Cty., Colorado*, 32 F.C.C. Rcd. 1474, 1505 (2017).<sup>2</sup> Given this unambiguous language, Attorney General Weiser inquired as to whether, in the Commission's view, the television stations at issue in these Petitions were required to immediately begin providing Denver television to the people of La Plata County.

On this point, Attorney General Weiser noted that while the television stations at issue in these Petitions have filed Applications for Review, nowhere do these applications request that the initial Order of March 1 be stayed pending the resolution of this Application.<sup>3</sup> Attorney General Weiser therefore explained that the Order should be effective immediately, notwithstanding the pendency of an Application for Review that, by its terms, did not ask for a stay of the Commission's Order.

Lastly, Attorney General Weiser noted that the final briefing in the television stations' application for review was a Reply filed in May of 2017, more than a year-and-a-half ago. Reply to Opposition to Application for Review of Order of Media Bureau by Hearst Properties Inc., KOB-TV, LLC, and Nexstar Broadcasting, MB Docket Nos. 16-366; 16-367; 16-368; 13-469 (filed May 15, 2017) (Application for Review). Attorney General Weiser also underscored the harm that La Plata County residents are continuing to suffer by not receiving Colorado-based broadcasts. Therefore, Attorney General Weiser requested a status update as to when the Media Bureau would be able to issue a ruling on this Application, emphasizing, once again, the importance of this issue to La Plata County and the State of Colorado.

Therefore, pursuant to Section 1.1206(b)(1) of the Commission's rules, our Office submits this *ex parte* notice letter into the above-referenced docket, and does so via the Electronic Comment Filing System.

Respectfully,

/s

Daniel Rauch  
Counsel to the Colorado  
Attorney General  
Colorado Bar Number 51782

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<sup>2</sup> See, e.g., *id.* ("Accordingly, **IT IS ORDERED**, pursuant to Section 338 of the Communications Act, as amended, 47 U.S.C. § 338, and Section 76.59 of the Commission's rules, 47 CFR § 76.59, that the captioned petition for special relief (MB Docket No. 16-366, CSR-8927-A), filed by La Plata County, Colorado with respect to KDVR-TV, Denver, Colorado (Facility ID No. 126), **IS GRANTED**.").

<sup>3</sup> See Application for Review of Order of Media Bureau by Hearst Properties Inc., KOB-TV, LLC, and Nexstar Broadcasting, MB Docket Nos. 16-366; 16-367; 16-368; 13-469, at 25 (filed March 31, 2017) (Application for Review).